

### **REMARKS/ARGUMENTS**

The Examiner is thanked for the Office Action mailed August 18, 2009. The status of the application is as follows:

- Claims 1-20 are pending, claims 1-2, 5 and 11-12 have been amended, and claims 13-20 have been added;
- Claim 12 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter;
- Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ching-Ming (US 5,671,263);
- Claims 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Ming in view of Oikawa (US 2002/0037068 A1); and
- Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Ming in view of Hernandez (US 5,148,032).

The rejections are discussed below.

#### **Claim Informalities**

Claim 2 has been amended for informalities and the amendments do not address issues of patentability.

#### **The Rejection of Claim 12 under 35 U.S.C. 101**

Claim 12 stands rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claim 12 has been amended as suggested by the Examiner to recite statutory subject matter, rendering the foregoing rejection thereto moot.

#### **The Rejection of Claims 1-7 under 35 U.S.C. 102(b)**

Claims 1-7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ching-Ming. This rejection should be withdrawn because Ching-Ming does not teach each and every element as set forth in the subject claims and, therefore, does not anticipate claims 1-7.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). MPEP §2131.

Amended independent **claim 1** is directed to a method including, *inter alia*, selecting projection data corresponding to a first ray and a second ray from a projection data set, wherein **the first and second rays are diametrically opposed rays passing through a same object point**. Ching-Ming does not teach or suggest at least the emphasized claim aspect.

The Office asserts that Ching-Ming teaches at col. 9, lines 25-36, that the first ray and the second ray are opposite rays passing through a single object point. Claim 1 has been amended to clarify that the first ray and second ray are diametrically opposed rays passing through a same object point. Ching-Ming does not teach or suggest this claim aspect. Instead, the above cited section of Ching-Ming teaches opposite-adjacent rays with a central ray 710 (incident on detector 44:6) and two non-central rays 712 and 714 (incident on respective detectors 44:2, 44:3) and thus are not diametrically opposed rays as recited in claim 1. The central ray is offset from both of the other rays. Nor do the rays pass through a same object point as required by claim 1. Accordingly, this rejection should be withdrawn.

Amended **claim 5** depends from claim 1 and requires, *inter alia*, that the exact reconstruction algorithm uses projection data resulting from one of no more than half a revolution and three half revolutions of the source of radiation. The Office asserts that Ching-Ming discloses this claim aspect at col. 9, lines 12-15. Applicants respectfully disagree. Instead, the cited section of Ching-Ming teaches that the detector array can be shifted after one complete revolution of the X-ray source and detector for a second revolution for acquiring additional and different data than that acquired during the first revolution to provide ever denser data values. This section of Ching-Ming does not teach or suggest the above claim aspect. Accordingly, this rejection should be withdrawn.

**Claims 2-4, 6-7** depend from claim 1 and are allowable at least by virtue of their dependencies.

**The Rejection of Claims 8 and 10-12 under 35 U.S.C. 103(a)**

Claims 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Ming in view of Oikawa. **Claims 8 and 10** depend from claim 1 and are allowable at least by virtue of their dependencies.

Amended independent **claims 11 and 12** recite claims aspects similar to those recited in claim 1. As such, the above discussion with respect to claim 1 applies *mutatis mutandis* to claims 11 and 12, and this rejection should be withdrawn.

**The Rejection of Claim 9 under 35 U.S.C. 103(a)**

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Ming in view of Hernandez. **Claim 9** depends from claim 1 and is allowable at least by virtue of this dependency.

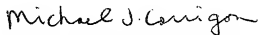
**New Claims 13-20**

Newly added claims 13-20 emphasize various aspects. No new matter has been added. These aspects are absent from the art of record. With respect to claim 19, Ching-Ming teaches at col. 9, lines 25-36, that the central ray 710 and the two non-central rays 712 and 714 are opposite adjacent rays. Entry and allowance of claims 13-20 is respectfully requested.

**Conclusion**

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,



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